

NOT FOR PUBLICATION

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA

Criminal No. 19-401 (SRC)

v.

LOUIS PICARDO

OPINION & ORDER

CHESLER, District Judge

Defendant Louis Picardo (“Defendant” or “Picardo”) brought this matter before the Court on July 14, 2020 by filing a motion for a reduction of sentence under the First Step Act, 18 U.S.C. § 3582(c)(1)(A) [ECF 15]. The United States of America (the “Government”) opposes the motion, arguing, among other things, that the motion is not ripe. It is undisputed that Defendant is not yet in custody and has not met the statute’s exhaustion requirement. The First Step Act authorizes a court to consider a motion for reduction of sentence which is filed directly by a defendant only after the statutory exhaustion requirement is satisfied. United States v. Raia, 954 F.3d 594, 597 (3d Cir. 2020). The Government has requested that the motion therefore be denied without prejudice. It has also proposed, as an alternative, that Defendant’s voluntary surrender date, currently scheduled for August 24, 2020, be extended by 90 days. Picardo, in his July 22, 2020 reply, acknowledges that his motion for relief under 18 U.S.C. § 3582(c)(1)(A) is not ripe for adjudication. He also requests, consistent with the Government’s proposed course of action, that his surrender date be extended by 90 days. In light of the foregoing,

IT IS on this 27th day of July 2020,

ORDERED that Defendant's motion for a reduction of sentence pursuant to 18 U.S.C. § 3582(c)(1)(A) [ECF 15] be and hereby is **DENIED WITHOUT PREJUDICE**; and it is further **ORDERED** that Defendant's surrender date is extended by 90 days, from August 24, 2020 to November 23, 2020.

s/ Stanley R. Chesler
STANLEY R. CHESLER
United States District Judge